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**APPROVED BY THE BOARD
FEBRUARY 14, 2018**

FINAL ACTION AGENDA/MINUTES

Design Review Board Meeting

**Village of Estero
9401 Corkscrew Palms Circle
Estero, FL 33928
July 26, 2017 5:30 p.m.**

1. **CALL TO ORDER:** 5:30 p.m.
2. **PLEDGE OF ALLEGIANCE:** Led by Chairman McHarris.
3. **ROLL CALL:**

Present: Chairman Joe McHarris and Board Members W. Scott Anderson, William Glass, Barry Jones (arrived at 5:35 p.m.), Albert O'Donnell, William Prys and Patty Whitehead. Absent: Board Member Anu Lacis.

Also present: Village Land Use Counsel Nancy Stroud, Community Development Director Mary Gibbs and Development Review Manager Walter McCarthy.

4. **APPROVAL OF AGENDA:**

A Board process item was added to the end of the agenda. A motion to approve the agenda as amended was made and duly passed.

5. **BUSINESS:**

(a) Public Information Meeting

- (1) Aldi at Estero Town Center (District 3) East of US 41 and directly north of the Walmart property. Proposed 21,982± square foot Aldi grocery store in the 3.68± acre Estero Town Center. The site has an existing Development Order for 26,775 square feet of retail.

Development Review Manager McCarthy provided a brief introduction.

Presentation/Information by:

Stacy Hewitt, AICP, Director of Planning, Banks Engineering; Gregory Diserio, RLA, Landscape Architect, David M. Jones and Associates, Inc.; Jeff Williams, Director of Real Estate, ALDI Inc. Royal Palm Beach Division.

The existing Development Order is current through December 26, 2017; parking has been reduced to one single double road; the billboard is leased from 2001 and Aldi has no rights to it; the building setback is now about 148 feet from the property line; interconnections to Walmart; US 41 access is removed. Landscape and buffer changes and details were provided, meet all requirements and are predominantly native. Open space is exceeded.

Mr. Williams met with the Homeowner's Association two days ago for final review and has had several meetings with staff; this is the third meeting with this Board. The main Board concerns are: the elevations, the abutting of commercial to residential property, additional user type on the site and the access plan. All elevation Board input has been addressed in terms of preference over code; illustrative details were provided. Delivery times will be limited to not disturb residents; all lighting and signage requirements will be met; operation hours are typically 8:00 or 9:00 a.m. to 9:00 p.m. and lights are turned off 30 minutes after closing; all safety requirements will be met. Site separation from The Vines and the existing buffer were presented. There will be no second user, as the second building has been removed from the site. Interconnectivity meets Village requirements; FDOT approval is no longer an issue due to an access removal; code compliance was the focus over resident preferences. Overall, this plan is a great improvement over the plan already approved and meets a need that is not in place. This site was chosen for its busy and well-traveled location. There will be a monument sign and a building sign, both code-compliant. A turn-around will be created to avoid dead-end parking issues.

Board Questions or Comments: An inquiry whether the sidewalk runs to the island and requires a canopy tree requirement. The required buffer for parking along US 41 is a type E, not a D. Billboard statute 479 was mentioned. Inquiries whether the shopping cart storage is open to the parking lot and covered; whether one goes from the west end to the front door; why this site was chosen over others; how does the architecture/massing of this building differ from the new one in Fort Myers and what Mediterranean style does it emulate; type of signage planned; a statement that the sign must be more wide than tall; the number of code-required parking spaces used on a typical day. A statement that the building is still a square box, especially the west elevation, with huge masses of straight lines; more green on the building would be better versus wasting money on stone. The columns/pilasters need to be almost doubled for scale purposes; an overhang would offer more cover to customers in rainy weather and look better; roof would show more with a steeper pitch. The electrical boxes on the east elevation need to be covered. Statute Chapter 479 was mentioned regarding the prohibited, nonconforming billboard on the site.

Community Development Director Gibbs clarified for the public that staff has not had a development order submittal and has therefore done no staff review, despite the applicant's claims of meeting or exceeding all code requirements.

Public Comment:

Barry Freedman, The Vines
Judy Freedman, The Vines
Steve Surdell, The Vines
Don Eslick, ECCL
Irv Nathanson, Lighthouse Bay
Bill Carr, Riverwoods Plantation

Summary of Public Comment: Opposition was expressed due to little resident-perceived need for this type of store; a potential diminishing of adjacent property values; overuse and increased maintenance of Vintage Parkway; and a chaotic connector road intersection. A plea was made for a traffic signal on US 41 approximately 4/10 mile north of Estero Parkway. The zoning for this property has not changed despite many other area changes; it is a blind intersection; there is no mention of who will maintain The Vines easement; several other Aldi site maintenance and courtesy elements were discussed. A good dialog is needed between the developer and the adjacent community, such as what took place with Walmart; compatibility is important. Estero is not a food desert and does not need another grocery store. Community concerns were well-spoken and demand consideration.

The meeting went into recess at 7:10 p.m. and resumed at 7:15 p.m.

(b) Public Hearing

- (1) Naples Community Hospital (DOS2017-E004) (District 2)
22951 & 22961 Lyden Drive, west of US 41 across from Coconut Point Mall;
Coconut Trace Lots C & D. 40,000± square foot, two-story healthcare facility including emergency department, medical and doctor offices, testing facilities and related ancillary services. Public Information Hearing was held on April 26, 2017.

Staff and audience members presenting testimony were sworn in. Board Members Prysi and Jones recused themselves and left the dais. There were no other disclosures of ex parte communication or conflicts of interest.

Development Review Manager McCarthy provided a brief introduction. Staff is recommending denial of the proposed development order due to zoning resolution requirements pertaining to hours of operation.

In response to Board questions, Village Land Use Counsel Nancy Stroud offered explanation regarding Board involvement in the development order application process.

Presentation/Information by:

Phil Dutcher, Chief Operations Officer, NCH; Charlie Krebs, PE, Project Engineer, Hole Montes; Patricia Rice-Spivey, AIA, Architect, Studio+; Bill Prys, Land Architects; Richard Grant, Esq., NCH Legal.

The facility will cost approximately \$30 million to construct and bring approximately 80 new jobs to the community. The site plan was presented; open space is nearly three times the required amount; there are two Lyden Drive access points and a sidewalk along it; drainage elements were illustrated. The Italianate Mediterranean architecture and perspectives from various sides were presented in some detail: there is great variety of roof types and other elements; the colors are warm neutrals; the rotunda creates a different volumetric mass; each side is an articulated front. The landscape plan and its site integration were illustrated; every pedestrian has a protected walkway; mahogany and existing oaks will remain. Regarding the hours of operation: Mr. Grant stated that the applicant's position is to request that, instead of following staff recommendation of denial for non-design reasons, the Board approve the design aspects with the condition that the facility, if built, must not operate other than in accordance with the current zoning CPD document; emergency medical services are one of the three types permitted and require 24/7 operation; there is a conflict within the CPD ordinance itself, requiring interpretation. The ANCA component requires on-site storage. There is no street lighting proposed. The design goal is modern Italian inspired uniqueness, not imitation. NCH may not want to build if the emergency hours of operation are limited.

Community Development Director Gibbs explained that staff believes that this Board approves development orders; the proper thing to do would be to file an application to amend the zoning condition; or revise the application to meet the hours of operation limitation.

Board Questions or Comments: The Board should focus on the design aspect for now. Inquiries/statements/discussion included: How is the service function area in front along US 41 allowed and consistent with the CPD, especially the loading area and generator, and the trash area on the west; a screen or wall does not create compliance; how far away is the Chipotle building; parking lot access; street lights; trellis. Regarding elevations: applicant has not addressed the roofline and other issues brought up last time; there is still a proportion and consistency problem; upper windows are not Italianate at all; there is no visible transformation from the next building. The building is more refined now but still lacking aspects. Per the zoning issue, it is not comfortable to review the project without knowing it can even be built. There is a conflicting roof situation; hospitals always look like hospitals. Some elements and areas are well done, but the proposal does not meet expectations. There are two issues on the table: hours and design intent; there is an appeal process if denied. The design needs more work and is not close enough for approval, even with conditions; it does not meet zoning conditions.

The Board expressed a desire to move to deny the application due to its failure to meet criteria of Section 3-4 of Ordinance No. 15-01.

Public Comment:

Joyce Johnson, Marsh Landing
Shawn Patterson, Grandezza
Bill Carr, Riverwoods Plantation
Don Eslick, ECCL
Mark Ebelini, Fort Myers
Irv Nathanson, Lighthouse Bay

Summary of Public Comment: Concurrence was expressed with staff recommendation of proposal denial; the facility is not size-compatible and meets no unmet need; more US 41 traffic would be ludicrous; NCH has made no effort to talk to neighboring communities; an NCH employee presented data in support of the project; ambulance lights and sirens are used only 1/8 or 1/10 of the time; Lee Health is only about ¾ mile away; based on Board concerns, decision should be delayed; a history of local health facilities was presented in detail; intent must be considered; several documents were presented in support of no exception to no 24/7 use, and the staff recommendation is necessarily correct; Estero residents travel to Lee Health facilities as well as NCH; do not approve the proposal.

Motion: Move to deny the request with the finding that the proposed project did not meet the following criteria of Section 3-4 of Ordinance No. 15-01: (1) The plan for the proposed development, structure or project is in conformity with good taste, good design, and in general contributes to the image of the Village as a place of beauty, spaciousness, harmony, taste, fitness, and high quality (and)... (3) The proposed development, structure or project is in conformity with the standards of the land development code (including but not limited to Sections 33-51 through 33-477 of the Lee County Land Development Code) and other applicable ordinances insofar as the location and appearance of the buildings and structures are involved.

Motion by: Board Member O'Donnell

Seconded by: Board Member Glass

Action: Denied the request with the finding that the proposed project did not meet the following criteria of Section 3-4 of Ordinance No. 15-01: (1) The plan for the proposed development, structure or project is in conformity with good taste, good design, and in general contributes to the image of the Village as a place of beauty, spaciousness, harmony, taste, fitness, and high quality (and)... (3) The proposed development, structure or project is in conformity with the standards of the land development code (including but not limited to Sections 33-51 through 33-477 of the Lee County Land Development Code) and other applicable ordinances insofar as the location and appearance of the buildings and structures are involved.

Vote:

Aye: Board Members Anderson, Glass, O'Donnell, Whitehead, and Chairman McHarris

Nay:

Abstentions: Board Members Jones and Prysi recused themselves (Board Member Lacis absent)

(c) Land Development Code Amendments – General Discussion

This agenda item was deferred until the next regular meeting.

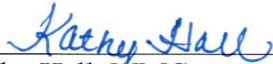
6. **PUBLIC INPUT:** None.

7. **BOARD COMMUNICATIONS:**

(a) Next meeting August 9, 2017

A motion to adjourn was made and duly passed.

8. **ADJOURNMENT:** 9:40 p.m.



Kathy Hall, MMC
Village Clerk

(kh/ta)